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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/665,775	09/17/2003	Robert D. Dressler		6390

7590 07/06/2005
Miller Law Group, PLLC
25 Stevens Avenue
West Lawn, PA 19609

EXAMINER KATCHEVES, BASIL S	
ART UNIT 3635	PAPER NUMBER

DATE MAILED: 07/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/665,775

Applicant(s)

DRESSLER, ROBERT D.

Examiner

Basil Katcheves

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 and 19-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 28-31 is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Applicant has cancelled claim 18 in the amendment dated 4/18/05. Pending claims 1-17 and 19-31 are examined below.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6, 10-13, 24 and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,256,934 to Alley as in the previous office action.

Regarding claim 1, Alley discloses a mounting bracket for attachment to a roof seam (abstract) having a body member (fig. 4a: 14) and first and second clamping members (fig. 4a: 13 & 11). Alley also discloses an actuator (fig. 4a: 22) for moving the second jaw to clamp the seam. Alley also discloses the first clamping jaw as being fixed in place when not being turned by a tool.

Regarding claim 2, Alley discloses the jaws as having serrated gripping surfaces (fig. 6).

Regarding claims 3 and 12, Alley discloses the first clamping jaw (13) as fixed to the first sidewall (34).

Regarding claim 4, Alley discloses the first jaw (13) as detachably connected to the first side wall.

Regarding claims 5 and 13, Alley discloses the actuator as being threaded and received in the second side (32).

Regarding claim 6, Alley discloses the threaded member (22) as having threads and a threaded fastener (threaded portion of 32) which engages with the threaded member.

Regarding claim 10, claim 10 is rejected for reasons cited in the rejection of claim 1. In addition, Alley discloses a pair of removable inserts (11 & 13) supported on the sidewalls for evenly clamping a seam inherently capable of not damaging the seam depending upon the amount of force used.

Regarding claim 11 and 27, Alley discloses the insert as having a shape to engage the roof seam.

Regarding claim 24, Alley discloses a method of attaching a mounting bracket to a roof seam (abstract) having a body member (fig. 4a: 14) and first and second jaw clamping members (fig. 4a: 13 & 11). Alley also discloses an actuator (fig. 4a: 22) for moving the second jaw to clamp the seam (figs. 3a & 5). Alley also discloses the first clamping jaw as being fixed in place when not being turned by a tool. Alley also discloses the jaws as inherently capable of exerting equal pressure on the seam and not deforming the seam, depending upon the amount of pressure used.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-9, 14-17, 19-23, 25 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,256,934 to Alley in view of U.S. Patent No. 6,453,623 to Nelson et al.

Regarding claims 7, 14 and 25, Alley discloses a snow stop mounted to the top of the clamp (fig. 3a) but does not disclose a formed receptacle for attaching the snow stop body. Nelson discloses a snow stop and mount (fig. 2) having an attachment receptacle for the snow stop (fig. 2: 34). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alley by using the receptacle as disclosed by Nelson in order to mount a snow stop in a more secure manner.

Regarding claims 8 and 15, Nelso discloses a wedging edge (34) for trapping the snow stop.

Regarding claims 9 and 16, Nelson discloses a generally vertical opening for a fastener (5) in the top mount for engaging a snow stop.

Regarding claim 17, Alley discloses a mounting bracket for attachment to a roof seam (abstract) having a body member (fig. 4a: 14) and first and second clamping members (fig. 4a: 13 & 11). Alley also discloses an actuator (fig. 4a: 22) for moving the second jaw to clamp the seam but does not disclose a formed receptacle for attaching the snow stop body. Nelson discloses a snow stop and mount (fig. 2) having an attachment receptacle with an edge wedge shape (34) for the snow stop (fig. 2: 2). It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Alley by using the receptacle as disclosed by Nelson in order to mount a snow stop in a more secure manner. Nelson also discloses the receptacle as being an open depression (fig. 3: see top opening where 7A points) and the depression has a single wedging edge formed along one side thereof (fig. 2: see single edge on left side or single edge on right side adjacent 7B) wherein the top surface has a vertical opening (fig. 2: 5).

Regarding claims 19 and 26, Nelson discloses opposed beveled edges in the depression (fig. 2: see both sides of tapered edge under 34) used for trapping the snow stop and a vertical fastener (5) for final securing.

Regarding claim 20, Alley discloses a removable clamping jaw on the first side (13) and an actuator (22a) associated with the clamping jaw.

Regarding claims 21 and 22, Alley discloses a second clamping jaw (11) fixed on the second side (32).

Regarding claim 23, Alley discloses serrated clamping jaws (fig. 6).

Allowable Subject Matter

Claims 28-31 are allowed as in the previous office action.

Response to Arguments

Applicant's arguments filed 4/18/05 have been fully considered but they are not persuasive. Applicant argues the amendments made to the claims in the response dated 4/18/05. These amendments have been addressed in the rejection above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is

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(571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK


Basil Katcheves

6/28/05

Primary Examiner, AU 3635